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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/835,732	04/11/1997	DEAN A. KLEIN	MPAT.172A	5441

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KNOBBE MARTENS OLSON & BEAR LLP  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH, CA 92660

EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2871

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/835,732

Applicant(s)

Klein

Examiner

Dung Nguyen

Art Unit

2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 29, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2871

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/29/2002 has been entered.

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-2, 15-16 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Tsuchiyama et al., U.S. Patent No. 5,548,271, as stated in the last final office action. .

Regarding claims 1, 16 and 20, Applicant contend that the Tsuchiyama et al. backlight is not made in a single piece from a light conducting material, but rather from at least three pieces having different characteristics (amendment, page 5). The Examiner agrees that a backlight from Tsuchiyama et al. might be formed from at least three layers (e.g, frame, light conducting plate, diffusion sheet); however, those three pieces, all have a light conducting characteristics and formed as a unitary construction of translucent material (i.e., single piece from the light conducting material), namely backlight (32A).

Art Unit: 2871

Applicant also notes that the figures referred to by the Examiner are directed to different embodiments of the invention (amendment, page 3). The Examiner agrees that; however, the reference figure 3B is just referred to the LCD panel forming over the diffusion plate (i.e, viewing side).

Accordingly, the rejection of claims 1-2, 15-16 and 20 stand.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiyama et al. U.S. Patent No. 5,548,271, as stated in the last final office action.

As stated above, Tsuchiyama et al. do disclose the LCD housing (i.e., backlight) which is made in a single piece from light conducting material.

Therefore, claim 17 would have been obvious,

5. Claims 3-5, 7, 10-11, and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiyama et al (U.S. Patent No. 5,548,271) in view of Applicant's admitted prior art figure 2 of the present application, as stated in the last final office action.

6. Claims 6, 9, 12-13 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiyama et al in view of Applicant's admitted prior art figure 2 as applied to claims 1

Art Unit: 2871

and 3 above, and further in view of Habing et al (U.S. Patent No. 5,661,578, of record), as stated in the last final office action.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiyama et al in view of Applicant's admitted prior art figure 2 as applied to claims 1-3 above and with or without Ohno et al (U.S. Patent No. 5,128,781, of record), as stated in the last final office action.

Those above claims depend, either directly or indirectly, from claims 1, 16, 17 and 20, respectively.

Accordingly, the rejection of those claims stand.

#### ***Response to Arguments***

8. Applicant's arguments filed 02/15/2002 have been fully considered but they are not persuasive as stated above.

#### ***Conclusion***

9. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114.

Art Unit: 2871

See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2871

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exam. Dung Nguyen whose telephone number is (703) 305-0423. The examiner can normally be reached on Monday to Thursday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Sikes, can be reached on (703) 308-4842. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DN  
06/15/2002

  
William L. Sikes  
*Supervisory Patent Examiner*  
*Group 2871*